

PCT #3  
JCO7 Rec'd PCT/PTO

04 APR 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATIONS

Art. Unit.

(Examiner )

Applicants: Sabah BADRI, Ernst EBERLEIN, Stephan BUCHHOLZ, Stefan LIPP,  
Albert HEUBERGER and Heinz GERHAEUSER

Serial No: 09/763,009

Filed: February 13, 2001

Title: METHOD AND DEVICE FOR TRANSMITTING INFORMATION  
SYMBOLS USING A PLURALITY OF CARRIERS AND METHOD  
AND DEVICE FOR RECEIVING INFORMATION SYMBOLS

Charlotte, North Carolina  
April 2, 2001

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Dear Sir:

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on: April 2, 2001

Lisa Camann  
DOUGHERTY & CLEMENTS LLP  
6230 Fairview Road, Suite 400  
Charlotte, North Carolina 28210  
Tel: 704/366-6642

April 2, 2001

Date

Docket 3072



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATIONS**

Art Unit: (Examiner )

Applicants: Sabah BADRI, Ernst EBERLEIN, Stephan BUCHHOLZ, Stefan LIPP,  
Albert HEUBERGER and Heinz GERHAEUSER

Serial No: 09/763,009

Filed: February 13, 2001

Title: METHOD AND DEVICE FOR TRANSMITTING INFORMATION  
SYMBOLS USING A PLURALITY OF CARRIERS AND METHOD  
AND DEVICE FOR RECEIVING INFORMATION SYMBOLS

Charlotte, North Carolina  
April 2, 2001

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

**SUBMISSION OF MISSING DOCUMENT AND FEE**

Dear Sir:

Please enter into the file of the subject application the following enclosed document:

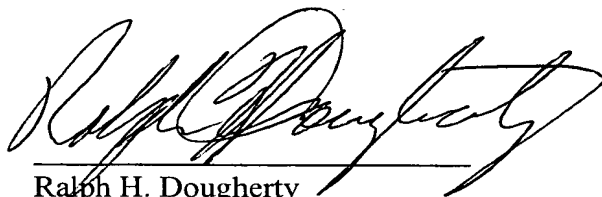
1. Declaration and Power of Attorney for Patent Application;

Form PTO 2038 (Credit Card Payment Form) was submitted with the application to cover the basic filing fee of \$1596.00.

Form PTO 2038 (Credit Card Payment Form) in the amount of \$130.00 to cover the surcharge for late filing of documents is also enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to DOUGHERTY & CLEMENTS Deposit Account No. 04-1448.

Respectfully submitted,



Ralph H. Dougherty  
Attorney for Applicants  
Registration No. 25,851  
DOUGHERTY & CLEMENTS LLP  
6230 Fairview Road, Suite 400  
Charlotte, North Carolina 28210  
Telephone 704/366-6642

RHD/ljc  
Attachments

Attorney's  
Docket 3104

04/06/2001 MNGUYEN 00000070 09763009

01 FC:154

130.00 DP

RECEIVED  
MAR 29 2001  
DOUGHERTY & CLEMENTS



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/763009	BADRI	S 3104

RALPH H DOUGHERTY  
DOUGHERTY & CLEMENTS  
6230 FAIRVIEW ROAD SUITE 400  
CHARLOTTE, NC 28210

INTERNATIONAL APPLICATION NO.	
PCT/EP99/02752	
I.A. FILING DATE	PRIORITY DATE
15 APR 99	18 APR 98
DATE MAILED: 26 MAR 2001	

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- ☐ a Designated Office (37 CFR 1.494),
  - ☒ an Elected Office (37 CFR 1.495):
  - ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application in:
    - ☒ a non-English language.
    - ☐ English.
  - ☒ Translation of the international application into English.
  - ☒ Oath or Declaration of inventors(s) for DO/EO/US.
  - ☐ Copy of Article 19 amendments.
  - ☐ Translation of Article 19 amendments into English.
  - ☒ The International Preliminary Examination Report in English and its Annexes, if any. NOT TRANSLATED
  - ☒ Translation of Annexes to the International Preliminary Examination Report into English. COMPLETELY
  - ☒ Preliminary amendment(s) filed 13 FEB 01 and
  - ☒ Information Disclosure Statement(s) filed 13 FEB 01 and
  - ☐ Assignment document.
  - ☐ Power of Attorney and/or Change of Address.
  - ☐ Substitute specification filed
  - ☐ Verified Statement Claiming Small Entity Status.
  - ☒ Priority Document.
  - ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
  - ☒ Other: PCT EASY FORM 2.83
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
    - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

- ☒ PCT/DO/EO/917
  - ☐ Notice of Defective Translation
  - ☐ PTO-875
- FORM PCT/DO/EO/905 (December 1997)

Karen Williams *KW*  
Telephone: 703-305-3688

RECEIVED  
MAR 29 2001  
DOUGHERTY & CLEMENTS



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/763009	BADRI	S 3104
INTERNATIONAL APPLICATION NO.		
PCT/EP99/02752		
I.A. FILING DATE		PRIORITY DATE
15 APR 99		18 APR 98

RALPH H DOUGHERTY  
DOUGHERTY & CLEMENTS  
6230 FAIRVIEW ROAD SUITE 400  
CHARLOTTE, NC 28210

DATE MAILED: 26 MAR 2001

#### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Karen Williams *KW*  
Telephone: 703-305-3688